

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The final Office Action dated January 5, 2005, indicated that claims 1-2, 7 and 10 are rejected under 35 U.S.C. § 103(a) over Snell (U.S. Patent No. 6,152,435); claims 1-2, 4 and 7-9 are rejected under 35 U.S.C. § 103(a) over Engibarov (U.S. Patent No. 5,060,920); claim 3 is rejected under 35 U.S.C. § 103(a) over Engibarov in view of McConkey (U.S. Patent No. 5,074,536); claim 5 is rejected under 35 U.S.C. § 103(a) over Engibarov in view of Gaither (U.S. Patent No. 3,626,600); claim 9 is rejected under 35 U.S.C. § 103(a) over Engibarov in view of Takisawa *et al.* (U.S. Patent No. 6,383,890).

The instant Office Action merely repeats the previous rejections without addressing Applicant's arguments against them. The MPEP dictates that the Office Action should take note of the applicant's arguments and answer the substance of them. *See* MPEP § 707.07(f). This is consistent with the purpose of aiding the applicant in judging the propriety of continuing the prosecution, as indicated in 37 C.F.R. § 1.104(a)(2) and 35 U.S.C. § 132. MPEP § 707.07(f) further urges that the Examiner state the reasons for his or her position (regarding Applicant's arguments) in the record. The Response to Arguments portion of the instant Office Action fails to address Applicant's previous arguments regarding the Examiner's failure to present evidence of motivation to modify the cited references ('435 and '920 references) and failure to present references that correspond to the claimed invention. The Examiner also states on page 6 that "Applicant had amended claim to read over the prior art." Applicant respectfully disagrees with this characterization, as the changes to the claims further characterize limitations that were already present or implicit in the claims, which was stated in the previous Office Action Response and Amendment. The Examiner appears to be improperly attributing an erroneous motivation to Applicant's amendment. Because the Examiner fails to comply with the above requirement, Applicant submits that the rejections are improper and requests that the rejections and their finality be withdrawn.

Notwithstanding the above deficiencies, the claims should be allowed on their merits.

Applicant submits that claim 6 should be allowed as it would appear that claim 6 has not been rejected. Although the discussion at the bottom of page 3 appears to refer to claim 6, there is no indication that claim 6 is rejected. If claim 6 were to be rejected, Applicant requests clarification and the opportunity to respond. In the absence of a rejection, Applicant requests that claim 6 be allowed

I. The rejections blatantly ignore the claim limitations and therefore ignore the claims “as a whole.”

Applicant respectfully maintains the traversal of each of the Section 103(a) rejections, because the Examiner has ignored various claim limitations. The claims are specifically directed to a holder for a cassette for storing semiconductor material substrates. More specifically claim 1 includes limitations directed to: cassette-directed guides for aligning the cassette, each cassette-directed guide having a respective end portion protruding to secure a cassette, and the cassette-directed guides arranged at a predetermined distance from the cassette so as to accurately hold the cassette in alignment on the base plate within the predetermined distance of the guides from the cassette, as claimed. The Office Action cannot ignore such claim limitations when none of the cited references recognize or address aligning a semiconductor-storage cassette on a base plate. *See MPEP § 2141.02.* This is part of the “subject matter as a whole” which should always be considered in determining the obviousness of an invention under 35 U.S.C. § 103. Section 103(a) requires that the claims be considered “as a whole” and the Examiner’s disregard of these limitations directed to semiconductor cassettes fails to satisfy this requirement. Applicant accordingly submits that the rejections are improper and requests that each of the rejections be withdrawn.

II. The Examiner fails to present any evidence of motivation to modify the cited references.

Applicant respectfully maintains the traversal of each of the Section 103(a) rejections because no evidence has been provided that the skilled artisan would use either the ‘435 or the ‘920 teachings for holding a semiconductor cassette. More specifically, the

Examiner fails to present any evidence from the references that would indicate that the ‘435 vice clamp or the ‘920 jaw assembly would be used to hold cassettes for storing sensitive semiconductor material. As indicated in the Office Action at pages 2 and 3, the Examiner admits that neither reference teaches or suggests using the ‘435 vice clamp or the ‘920 jaw assembly to hold a semiconductor storage cassette and does not cite any other evidence in support of this argument of motivation. The Examiner’s only rationale for his opinion that “a worker can select a workpieces on the basis of its suitability for the intended holder is being used for” is the opinion itself. In order to present a proper Section 103(a) rejection, the Examiner must present evidence of motivation or suggestion to modify the cited references. *See MPEP § 2143.* Without this requisite evidence, the rejections are improper and should be withdrawn.

III. The rejections ignore various other claim limitations.

With particular respect to the rejection of claims 2, 7 and 10 in view of the ‘435 reference, the Office Action fails to present evidence of correspondence to each of the claimed limitations. Regarding claim 2, the Examiner fails to identify how the ‘435 vice clamp is mirror symmetrical with respect to the side facing the base plate and the opposite side facing away from the base plate. At least hole 48 of Fig. 1A would appear to destroy any such symmetry. Regarding claim 7, the Examiner fails to identify how the ‘435 vice clamp guide member “adjoins a single side of the cassette” as claimed. Regarding claim 10, the Examiner fails to identify any detection means in the ‘435 vice clamp that signals that the cassette is present in the holder. Without a presentation of evidence from the cited reference and of correspondence to each of the claimed limitations, the Section 103(a) rejection of claims 2, 7 and 10 cannot be maintained. Applicant accordingly requests that the rejection be withdrawn.

With particular respect to the Section 103(a) rejection of claims 1-2, 4 and 7-9 in view of the ‘920 reference, the Examiner fails to present a reference that corresponds to each of the claimed limitations. The Examiner fails to identify where the ‘920 reference teaches at least an end portion having a side of the guide member facing toward a base plate being tapered so as to form the protruding end portion, as claimed. The cited portion of the ‘920

reference shows half circle 29 in Fig. 7 cut out of an alleged guide member on a side facing perpendicular to the base plate, not toward the plate. Fig. 9 also fails to correspond to these limitations as cut-outs 66 and 68 merely replace the single cut-out 29 of Fig. 7. Without a presentation of correspondence to each of the claimed limitations, the Section 103(a) rejection cannot be maintained.

With respect to the rejection of claim 3, the Office Action fails to present a combination of references that corresponds to the claimed invention. As discussed above, the '920 reference fails to teach the claimed tapering of a side facing toward a base plate. Therefore, modifying the tapering taught by the '920 reference would still fail to correspond to the claimed invention. Moreover, the cited '536 teachings are not configurable with the '920 teachings. Applicant fails to recognize how the tapered mandrel of the '536 reference would be used to modify the recessed portions of the '920 jaw (22 or 64). Without a presentation of correspondence to each of the claimed limitations, the Section 103(a) rejection cannot be maintained.

With respect to the rejection of claim 5, the Examiner fails to present a combination of references that corresponds to the claimed invention. The Examiner fails to assert and neither the '920 nor the '600 reference teaches, limitations directed to a guide member detachably secured to the base plate by means of bolts and nuts, as claimed. Without a presentation of correspondence to each of the claimed limitations, the Section 103(a) rejection cannot be maintained. Applicant accordingly requests that the rejection be withdrawn.

With respect to the rejection of claim 9, the Examiner fails to present a combination of references that corresponds to the claimed invention. The Examiner fails to assert and neither the '920 nor the '890 reference teaches, limitations directed to a device for the manufacture of semiconductor products in semiconductor substrates including a holder, as claimed. Without a presentation of correspondence to each of the claimed limitations, the Section 103(a) rejection cannot be maintained. Applicant accordingly requests that the rejection be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections is overcome and the application is in condition for allowance.

Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the agent overseeing the application file, Mr. Peter Zawilski, of Philips Corporation at (408) 474-9063.

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